



ATLANTA

CLEVELAND

DAYTON

WASHINGTON, D.C.

CINCINNATI

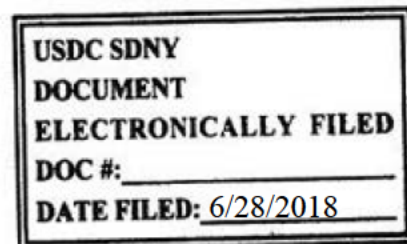
COLUMBUS

NEW YORK

Via ECF and E-mail (Torres_NYSDChambers@nysd.uscourts.gov)

June 14, 2018

The Hon. Analisa Torres
U.S. District Judge, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
Courtroom 15D
500 Pearl Street
New York, NY 10007-1312



RE: *Essar Steel Algoma Inc. v. Southern Coal Sales Corporation*
Case No. 1:17-mc-00360-AT

Dear Judge Torres:

We are counsel for plaintiff Essar Steel Algoma, Inc. (“Algoma”). We write again regarding Defendant Southern Coal Sales Corporation’s (“Southern Coal’s”) continued failure to obtain new counsel after Your Honor granted Southern Coal’s prior counsel’s request to withdraw on May 8, 2018 (dkt. 43). As a result, discovery in this case has been stagnant for almost two months – since April 18, 2018, when prior counsel filed their initial request to withdraw.

Algoma filed a letter on May 15, 2018 (dkt. 44) requesting that a date certain be set by which Southern Coal obtain new counsel. Southern Coal did not respond to the letter, and the time for response has run. Indeed, numerous case deadlines are passing without any action by Southern Coal. For example, Southern Coal was required to respond to Algoma’s Amended Complaint (dkt. 39) by May 10, 2018, but never responded. Southern Coal’s responses to Algoma’s Third Set of Requests for Production were due on June 4, 2018, and Algoma did not receive any response or production of documents. Southern Coal still has not produced documents in response to Algoma’s Second Set of Production, which were due on March 29, 2018. Algoma requires the documents responsive to the Second and Third Requests for Production in order to proceed in discovery and effectively prosecute its claims.

Algoma has been respectful of Southern Coal’s need for time to obtain new counsel, but cannot sit on its hands indefinitely. Accordingly, Algoma requests a status conference with the Court in order to obtain guidance as to how to proceed. It would appear that all case management dates have been implicitly extended because the case management order bases non-discovery deadlines (such as settlement deadlines and summary judgment deadlines) on the date of the end of the discovery period, but these non-discovery and non-expert dates were not expressly

Kip.Bollin@ThompsonHine.com 216.566.5800 216.566.5786

4815-6008-8935.3

THOMPSON HINE LLP
ATTORNEYS AT LAW

3900 Key Center
127 Public Square
Cleveland, Ohio 44114-1291

www.ThompsonHine.com
O: 216.566.5500
F: 216.566.5800

THOMPSON
HINE

Hon. Analisa Torres
June 14, 2018
Page 2

addressed in the Order (dkt. 43), so Algoma also seeks confirmation from the Court that its understanding is correct. Algoma would also request that the Court order a representative of Southern Coal to attend that conference. Algoma's goal is simply to get discovery back on track in this matter, as no progress has been made in the case in the past two months, and there is no indication that this stagnation will end without the appearance of new counsel for defendant. Thank you for your consideration.

Respectfully yours,

/s/ Kip T. Bollin

Kip T. Bollin

cc: Counsel of record, via ECF notice
Steve Ball, Esq. (via email)

GRANTED in part, DENIED in part. Plaintiff's request for a conference is DENIED. By **July 5, 2018**, Defendant shall file a letter naming its new counsel or indicating whether it intends to proceed *pro se*.

Additionally, all case management deadlines were extended by 60 days. Defendant is warned that it must comply with the deadlines.

SO ORDERED.

Dated: June 28, 2018
New York, New York



ANALISA TORRES
United States District Judge